

By Mr. Thompson of Cambridge, petition of Alvin E. Thompson, Marie J. Parente, Carol A. Donovan, Anthony M. Mandile, Gloria L. Fox, Shirley Owens-Hicks and another for legislation to protect certain clients of the Department of Mental Retardation and the Department of Mental Health. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Five.

AN ACT TO PROTECT CERTAIN CLIENTS OF THE COMMONWEALTH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Notwithstanding any general or special law or rule or regulation
2 to the contrary, no client of the Department of Mental Retardation or
3 the Department of Mental Health for whom an individual service
4 plan (ISP) was in force on August one, nineteen hundred and
5 ninety-three, that stipulated required personal objectives, which
6 shall include but not be limited to, the provisions of health care,
7 nursing services and/or medical services, psychological, speech and
8 language, occupational or physical therapies or social services, shall
9 suffer a loss in that care or therapies or services unless a complete
10 review of that client's condition and history by the physician(s),
11 nurse(s), and therapist(s) responsible for that client's care and the
12 client's guardian(s) results in a signed agreement by those parties
13 that the stipulated care or therapy or services, are no longer needed
14 by the client, due to a change in the client's health or mental health
15 condition. Where such agreement is reached, the responsible physi-
16 cian(s), nurse(s), therapist(s) and guardian(s) are required to write
17 and sign a new agreement stipulating the nursing care, medical care,
18 therapy and/or services that are now required by the client.

19 No person shall dispense or administer drugs or medications to
20 these clients unless licensed to do so. Clients of the Department of
21 Mental Retardation and the Department of Mental Health who

22 reside in private homes, directly supervised by that client's family
 23 member(s), significant other(s), or legal guardian(s), or who are
 24 fully able to independently self administer medications are not
 25 subject to the provisions regarding medication.